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AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)
)
v.) Case No. 17-MJ-101 KMM
)
ANDRE JAMAR WILBORN)
Aka ANDERA JERMAR WILBORN

CRIMINAL COMPLAINT

I, Ben Henrich, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 5, 2017, in Ramsey County, in the State and District of Minnesota, the defendant ANDRE JAMAR WILBORN:

Count 1:
Aiding and abetting and being aided and abetted by others, knowingly and intentionally, possessed with intent to distribute 100 grams or more of a mixture or substance containing heroin, in violation of Title 18, United States Code, Section 2 and Title 21, United States Code, Section(s) 841(a)(1) and 841(b)(1)(B).

Count 2:
Aiding and abetting and being aided and abetted by others, having previously been convicted of Felon in Possession of a Firearm in Hennepin County, Minnesota, in 2006, which was punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, Taurus 9mm semi-automatic pistol, bearing serial number TJU95815, in violation of Title 18, United States Code, Sections 2, 922(g)(1) and 924(a)(2).

I further state that I am a(n) DEA Task Force Officer and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒Yes ☐ No

[signature]
Complainant's signature

Ben Henrich, DEA Task Force Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: 2/6/2017 @ 2:44 pm

[signature]
Judge's signature

City and state: Minneapolis, MN

The Honorable Katherine M. Menendez
Printed name and title

SCANNED
FEB 0 6 2017
U.S. DISTRICT COURT MPLS

17-MJ-101 KMM

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF BENJAMIN HENRICH
COUNTY OF HENNEPIN)

Your Affiant Benjamin Henrich, being duly sworn, states the following:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint for Andre Jamar WILBORN aka Andera Jermar WILBORN charging him with possession with intent to distribute more than 100 grams of heroin as well as felon in possession of a firearm and possession of a firearm in furtherance of a drug trafficking crime.

2. I am an Officer with the Minneapolis Police Department in Minneapolis, Minnesota. I have been a criminal investigator since 2010 at the Minneapolis Police Department and have participated in numerous investigations relating to the distribution of controlled substances and crimes related to the possession or use of firearms. Since August 2013 I have been assigned to the United States Drug Enforcement Administration Task Force ("DEA") in Minneapolis, Minnesota, as a Task Force Officer. As a narcotics investigator your affiant has received training and experience in undercover operations, the manufacture, packaging, distribution, and importation of controlled substances, as well as in physical and electronic surveillance techniques. My primary responsibilities as a narcotics investigator have included conducting investigations of street level to upper-level narcotics traffickers. I have been the lead investigator or case agent on numerous narcotics investigations that have been prosecuted in United States Federal Courts,

including but not limited to drug trafficking and money laundering violations under Title 21 of the United States Code.

PROBABLE CAUSE

3. The facts and information contained in this affidavit are based upon my personal knowledge of the investigation and observations of other officers and agents involved in the investigation. All observations referenced below that were not personally made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for this Complaint. It is not intended to include each and every fact and matter observed by me or known to the government.

4. Your Affiant knows that in March 2016, law enforcement officers, using a confidential informant, conducted controlled purchases of heroin from Andre Jamar WILBORN on several occasions.

5. Since October 2016, law enforcement officers have obtained and utilized state-issued GPS tracking search warrants allowing officers to track WILBORN'S cell phone.

6. Within the past few months, officers have been receiving information from a Confidential Reliable Informant (CRI), that WILBORN is the manager of a local group of heroin distributors, and that WILBORN travels to Chicago, Illinois to resupply the group with heroin.

7. On February 3, 2017, your Affiant learned from reviewing GPS cell phone tracking information that Andre Jamar WILBORN was traveling to Chicago, Illinois via airplane from the Minneapolis/St. Paul International Airport. A check with airline records showed that WILBORN was on a Southwest Airlines flight with a one-way ticket to Midway Airport in Chicago, Illinois. Based on the ongoing investigation into WILBORN, it is known that the source of supply for WILBORN's heroin distribution is in Chicago, Illinois.

8. On February 5, 2017, the tracking of WILBORN'S cell phone showed that the phone was traveling from Chicago, Illinois back towards Minneapolis, Minnesota. Law enforcement set up surveillance along west bound I-94 in Wisconsin in an effort to intercept WILBORN as he traveled toward Minnesota.

9. On February 5, 2017, at approximately 8:04 p.m., GPS location of the phone indicated that it was traveling westbound on I-94 near Black River Falls, Wisconsin. Law enforcement continued to monitor the GPS location of the cell phone as it traveled towards Minnesota.

10. At approximately 10:00 p.m. that same day, GPS location of the phone indicated that it was on I-94 in Minnesota. Surveillance officers located a black Dodge Magnum with Minnesota license plates traveling on I-94 that appeared to coincide with the GPS location of the cell phone. The license plate on the vehicle showed the vehicle was registered to Willar Ann EPPS-WILBORN, who your Affiant knows from this investigation to be the wife of Andre Jamar WILBORN.

11. The vehicle was observed traveling over 70 mph as it traveled northbound on I-694 from I-94 in a 60 mph zone. The vehicle also appeared to have illegal tint on the front driver and passenger side windows.

12. The vehicle traveled northbound on I-35 from I-694 and exited on County Road E in Vadnais Heights, Minnesota and was stopped.

13. Law enforcement officers identified the driver as Willar Ann EPPS-WILBORN, and advised her of the reason for the stop. Andre WILBORN was identified as the front seat passenger and another woman was identified as the backseat passenger of the vehicle. WILBORN was removed from the vehicle and detained.

14. A drug detecting canine was requested to the scene to perform a search of the vehicle. The canine handler indicated that his partner had a positive indication for the odor of narcotics coming from the vehicle.

15. A search of the vehicle located a small black suitcase on the rear passenger seat on the driver's side. The suitcase contained men's jeans, underwear and boots, and showed that the suitcase went to Midway Airport in Chicago, Illinois, with a luggage tag showing ownership by Andre WILBORN. Officers located a black plastic grocery bag in the small exterior pouch of the suitcase which contained a substance that field tested positive for heroin, and weighed approximately 200 grams. In another outside pouch of the suitcase, officers recovered a Taurus 9mm semi-automatic pistol bearing serial number TJU95815, and two loaded magazines.

16. WILBORN was convicted of being a Felon in Possession of a Firearm in 2006 in Hennepin County, Minnesota; Fleeing a Peace Officer in a Motor Vehicle in

2010 in Hennepin County, Minnesota; and Fifth Degree Drug Possession in 2010 in Hennepin County, Minnesota.

17. Based on consultation with an agent with the Bureau of Alcohol, Tobacco and Firearms, your affiant has learned that the Taurus 9mm semi-automatic pistol bearing serial number TJU95815 that was found in WILBORN'S suitcase, was manufactured outside of the state of Minnesota.

CONCLUSION

Based on the foregoing, your Affiant asserts that there is probable cause to believe that on or about February 05, 2017 Andre Jamar WILBORN was in possession with intent to distribute more than 100 grams of heroin was a felon in possession of a firearm.

Further Your Affiant sayeth not.

Benjamin Henrich
DEA Task Force Officer

SUBSCRIBED and SWORN to before me
this day of February 6, 2017.

The Honorable Katherine M. Menendez
United States Magistrate Judge